

Notice of Allowability

Application No.

10/711,186

Examiner

Michael Leslie

Applicant(s)

PENNINGER ET AL.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 31 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/31/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Leo McCormick on June 21, 2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, Line 19, "body" has been changed to --member--,

Claim 1, Line 22, "body" has been changed to --member--,

Claim 8, Line 4, "longitudinally" has been changed to --longitudinal--,

Claim 8, Line 7, "equal" has been changed to --equals--,

Claim 10, Line 15, "reaction end" has been changed to --reaction disc--,

Claim 10, Line 16, "first second end" has been changed to --first end--,

Claim 10, Line 16, "body" has been changed to --member--,

Claim 10, Line 30, "to" has been deleted,

Claim 17, Line 4, "longitudinally" has been changed to --longitudinal--,

Claim 17, Line 7, --to-- has been inserted after "equal",

Claim 18, Line 20, "body" has been changed to --member--,

Claim 19, Line 1, "said" has been changed to --an--,

Claim 20, Line 3, "longitudinally" has been changed to --longitudinal--,

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Claim 21, Line 21, "rotate" has been deleted,

Claim 21, Line 25, --to-- has been inserted after "fixed",

Claim 24, Line 25, --to-- has been inserted after "fixed".

The above changes to the claims have been made to correct typos.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The instant invention has been deemed to be an unobvious improvement over U.S. Patents 1,906,222 to Boland and 6,282,896 Wachi et al. Boland discloses a brake mechanism having a valve operated by a gear and rack system actuated by brake pedal input for providing feedback. Wachi et al discloses a brake booster having an attached master cylinder with a stroke shortening device creating a longer output stroke than input stroke during braking operation. The unobvious improvement includes a control valve for the brake booster having first and second cylindrical members, a gear engaging first and second racks, wherein the first rack is fixed to the second member and the second rack is fixed to the booster housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

U.S. Patents 5350224 and 5518305 each disclose brake boosters having gear mechanisms.

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CONCLUSION


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

June 22, 2005


Michael Leslie
Patent Examiner
AU 3745


EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
6/27/05